



State of Ohio Environmental Protection Agency

STREET ADDRESS:

azarus Government Center
122 S. Front Street
Columbus, OH 43215-1099

TELE: (614) 644-3020 FAX: (614) 644-2329

MAILING ADDRESS:

P.O. Box 1049
Columbus, OH 43216-1049

December 11, 2002

Re: Wayne Twp
Belmont County
Application No. 06-6766
Application for 5 Runoff Treatment Ponds (012-016) for
Century Mine
Plans Received December 20, 2001
Revised Plans Received July 11, 2002
From Bill Siplivy, P.E.

CERTIFIED MAIL

American Energy Corporation
Attn: Ryan Desco
43521 Mayhugh Hill Road
Beallsville, OH 43716

Ladies and Gentlemen:

Enclosed is the Ohio EPA Permit to Install which will allow you to install the described source in the manner indicated in the permit. Because this permit contains several conditions and restrictions, I urge you to read it carefully.

The issuance of this Permit to Install is considered to be a final action of the director. Any person who was a party to this proceeding may appeal this action to the Environmental Review Appeals Commission pursuant to Ohio Revised Code 3745.04. To appeal this action, a written notice of appeal, setting forth the action complained of and the grounds for appeal, must be filed with the Environmental Review Appeals Commission at 236 East Town Street, Room 300, Columbus, Ohio 43266-0557, within thirty (30) days after the date of this letter. You must also serve a copy of the notice of appeal to the director of Ohio EPA and the Environmental Enforcement Section of the Office of the Attorney General within three (3) days of filing a notice of appeal with the Environmental Review Appeals Commission.

You should note that a general condition of your permit states that issuance of the permit does not relieve you of the duty of complying with all applicable federal, state, and local laws, ordinances, and regulations.

If you have any questions, please contact the Ohio EPA district office to which you submitted your application.

Sincerely

Patti L. Smith, Supervisor
Permit Processing Unit
Division of Surface Water

PLS/dks

Enclosure

cc: Southeast District Office
Belmont County Health Department
Bill Siplivy, P.E.
Ellen Greer, Hamilton & Associates, Inc.
ODNR-Division of Mineral Resource Management
Bob Taft, Governor
Maureen O'Connor, Lieutenant Governor
Christopher Jones, Director

Ohio Environmental Protection Agency

Permit to Install

Application No: 06-6766

Applicant Name: American Energy Corporation

Address: 43521 Mayhugh Hill Road

City: Beallsville

State: OH, 43716

Person to Contact: Ryan Desco

Telephone: 740-926-9152

Description of Proposed Source: 5 Runoff Treatment Ponds (012-016) for Century Mine, Wayne Twp, Belmont County

Issuance Date: December 11, 2002

Effective Date: December 11, 2002

The above named entity is hereby granted a permit to install for the above described source pursuant to Chapter 3745-31 of the Ohio Administrative Code. Issuance of this permit does not constitute expressed or implied approval or agreement that, if constructed or modified in accordance with the plans included in the application, the above described source of environmental pollutants will operate in compliance with applicable state and federal laws and regulations. Issuance of this permit does not constitute expressed or implied assurance that, if constructed or modified in accordance with those plans and specifications, the above described source of pollutants will be granted the necessary operating permits. This permit is granted subject to the following conditions attached hereto.

I have determined that a lowering of water quality in Piney Creek and subsequently Captina Creek is necessary. In accordance with OAC 3745-1-05, this decision was reached only after examining a series of technical alternatives, reviewing social and economic issues related to the degradation, and considering all public and appropriate intergovernmental comments. The lowering of water quality is necessary to accommodate important social or economic development in the area in which the water body is located.

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Director

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The director of the Ohio Environmental Protection Agency, or his authorized representatives, may enter upon the premises of the above named applicant during construction and operation at any reasonable time for the purpose of making inspections, conducting tests, examining records, or reports pertaining to the construction, modification, or installation of the above described source of environmental pollutants.

Issuance of this permit does not relieve you of the duty of complying with all applicable federal, state, and local laws, ordinances, and regulations.

Any well, well point, pit, or other device installed for the purpose of lowering the ground water level to facilitate construction of this project shall be properly abandoned in accordance with the provisions of this plan or as directed by the director or his representative.

Any person installing any well, well point, pit or other device used for the purpose of removing ground water from an aquifer shall complete and file a Well Log and Drilling Report form with the Ohio Department of Natural Resources, Division of Water, within 30 days of the well completion in accordance with the Ohio Revised code Section 1521.01 and 1521.05. In addition, any such facility that has a capacity to withdraw waters of the state in an amount greater than 100,000 gallons per day from all sources shall be registered by the owner with the chief of the Division of Water, Ohio Department of Natural Resources, within three months after the facility is completed in accordance with Section 1521.16 of the Ohio Revised Code. For copies of the necessary well log, drilling report, or registration forms, please contact:

Ohio Department of Natural Resources
Fountain Square
Columbus, OH 43224-1387
(614) 265-6717

The proposed wastewater treatment system shall be constructed in strict accordance with the plans and application approved by the director of the Ohio Environmental Protection Agency. There shall be no deviation from these plans without the prior express, written approval of the agency. Any deviations from these plans or the above conditions may lead to such sanctions and penalties as provided for under Ohio law. Approval of this plan and issuance of this permit does not constitute an assurance by the Ohio Environmental Protection Agency that the proposed facilities will operate in compliance with all Ohio laws and regulations. Additional facilities shall be installed upon orders of the Ohio Environmental Protection Agency if the proposed sources are inadequate or cannot meet applicable standards.

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The Southeast District Office of the Ohio Environmental Protection Agency shall be notified in writing as to (a) the construction starting date; (b) the construction completion date; and (c) the date the wastewater disposal system was placed into operation.

The American Energy Corporation shall be responsible for proper operation and maintenance of the wastewater treatment system.

SPECIAL TERMS AND CONDITIONS FOR SOIL LINERS AND COVER MATERIAL

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- 2) Soil material shall be compacted using standard engineering compaction methods unless otherwise specified in the plans.
- 3) Only soil materials specifically approved for use, in the detailed plans, may be used.

SPECIAL PTI CONDITIONS:

1. The use of ammonia for treatment is prohibited unless a modification to the NPDES permit is approved.
2. OEPA will re-evaluate the effectiveness of the runoff treatment system if the site becomes inactive. Revisions to the treatment system may be required at that time.
3. Within 12 months of the day that the last coal refuse is disposed on the site, Ohio Valley Coal Company will begin reclamation of the refuse disposal area.



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Patti L. Smith, Supervisor
Permit Processing Unit
Division of Surface Water

PLS/dks

Enclosure

cc: Southeast District Office
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Bill Siplivy, P.E.
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Christopher Jones, Director

Ohio Environmental Protection Agency

Permit to Install

Application No: 06-6766

Applicant Name: American Energy Corporation
Address: 43521 Mayhugh Hill Road
City: Beallsville
State: OH, 43716

Person to Contact: Ryan Desco
Telephone: 740-926-9152

Description of Proposed Source: 5 Runoff Treatment Ponds (012-016) for Century Mine, Wayne Twp, Belmont County

Issuance Date: December 11, 2002

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Christopher Jones
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American Energy Corporation
Page 3 of 3
December 11, 2002

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December 11, 2002

Re: Wayne Twp.
Belmont County
Application No. 06-6778
Application for Treatment Pond 002, Non-Discharging
Pond 1-5 and 019, and a discharge outfall 017 for the
bath house
Plans Received January 15, 2002
Revised Plans Received June 24, 2002
From Don Brafford, Hamilton & Associates

CERTIFIED MAIL

American Energy Corporation
Attn: Ryan Desco
43521 Mayhugh Hill Rd
Beallsville, OH 43716

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State: OH, 43716

Person to Contact: Ryan Desco

Telephone: 740-926-9152

Description of Proposed Source: Treatment Pond 002, Non-Discharging Pond 1-5 and 019, and a discharge outfall 017 for the bath house, Wayne Twp., Belmont County

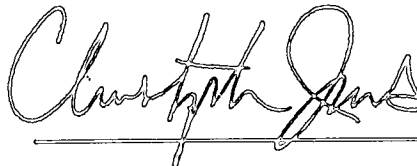
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AEC 01787

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Provisions shall be made for proper operation of the wastewater pumping facilities.

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Person to Contact: Ryan Desco
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Description of Proposed Source: Treatment Pond 002, Non-Dishcarging Pond 1-5 and 019, and a discharge outfall 017 for the bath house, Wayne Twp., Belmont County

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SPECIAL CONDITION:

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REPORT ON THE PERMIT TO INSTALL APPLICATION
AND DETAILED PLANS FOR A TREATMENT POND (002),
TWO NON-DISCHARGING RUNOFF PONDS (019 AND 1-S) AND THE DISCHARGE
FROM THE BATH HOUSE PACKAGE PLANT (017)
ASSOCIATED WITH THE UNDERGROUND MINING OPERATION
AT AMERICAN ENERGY CORP.'S CENTURY MINE,
IN SECTION 3, WAYNE TOWNSHIP,
BELMONT COUNTY
PTI NO. 06- 6778

S.E. District Office, Logan, Ohio July 1, 2002

On January 14, 2002, an application for Permit to Install (PTI) No. 06- 6778 was received in the Southeast District Office. The submittal included an application for permit to install, an NPDES permit modification/renewal, an antidegradation addendum, a copy of the ODNR Division of Mines and Reclamation mining permit pond design attachment and maps, and fees. Revisions were received on June 4 and 24, 2002. A public hearing for antidegradation issues was held June 6, 2002, in St. Clairsville in Belmont County.

Owner:

American Energy Corp.
43521 Mayhugh Hill Rd.
Beallsville, OH 43716
Robert Moore, Pres.; Melanie Homan, Engineer 740/926-9152

Consultant:

Hamilton and Associates, Inc.
342 High St, P.O. Box 471
Flushing, OH 43977
Ellen Greer, Environmental Coordinator 740/968-4947

Location Description:

The underground mine site is located on Piney Creek, a tributary of Captina Creek, in Section 3 of Wayne Township, Belmont County.

General/Background Information: See PTI 06-6766 for the history of this facility.

NPDES permit L091*AX was issued July 10, 1978, and authorized 3 outfalls: the prep plant (001), water pumped from the mine (002) and the sanitary sewage treatment (003).

Outfall 002 was dropped when NPDES permit 0IL00091*ED was issued February 1, 1994.

This application contains the 1984 pond design for pond 002. Also included is a P.E. certification that the pond as of May 10, 2001, conformed to the measurements included in the 1985 design and that it appears to be structurally sound.

On November 30, 2001, SEDO submitted the American Energy Corp. Century Mine 0IL00091*FD draft NPDES renewal to CO. It was issued June 21, 2002. A modification to the *FD permit will be processed with this and PTI 06-6766 to add all the outfalls.

The Century Mine is scheduled to produce 7 million tons of raw coal annually by the year 2002. The ODNR permit for this site is D-0425.

Summary of New Facilities

- Pond 002: This pond was constructed in 1985 and was covered by the NPDES permit until 1994. This application covers re-including pond 002 in the permitted structures for this facility. . It will be used for holding water pumped from the underground mine. It is expected that most of this water will be re-used in the underground operation. This is not a sediment pond. It has a watershed of 3.2 acres with a disturbed area of 1.1 acres which is vegetated. The pond has a surface area of 0.09 acres with a depth of 5 feet. There is a 12 inch pipe spillway. According to the original detailed plan for the pond, it was lined with clay. The spillway discharges to an unnamed tributary to Piney Creek (tributary to Captina Creek, exceptional warmwater habitat).
- Outfall 017: Bath house extended aeration package plant sewage treatment system. This treatment plant design was approved under PTI #06-6555. Under PTI #06-6555 the treatment plant was not authorized to discharge. It's effluent was pumped to the pond at outfall 011. The water in the pond was then pumped underground for use as dust control. Outfall 011 was not authorized to discharge treated sanitary waste. This PTI addresses adding a sanitary discharge from outfall 011 and the new outfall at 017. This provides the mining company with the option of continuing to pump the effluent from the package plant to the pond at outfall 011 and now allowing a discharge of treated sanitary waste OR discharging from the package plant to the same receiving stream. Outfall 017 will discharge an average daily flow of 10,000 gallon per day.

Effluent Limits:**A. Pond 002 (pumped drainage not commingle):**

<u>Parameter</u>	<u>30-Day (mg/l)</u>	<u>Daily (mg/l)</u>
Iron, Total	3**	6**
Manganese, Total	2**	4**
Suspended Solids	35**	70**
pH	6.5 - 9.0 S.U.*	

* Limit is based on the Water Quality Standard.

**Limit is based on the Federal Effluent Guideline, 40 CFR 434.

B. Outfall 017 (extended aeration package plant):

<u>Parameter</u>	<u>30-Day (mg/l)</u>	<u>7-Day (mg/l)</u>
CBOD ₅	10	15
Suspended Solids	12	18
Dissolved Oxygen	Greater than 6.0 at all times	
Ammonia	(summer) 1.0	1.5
	(winter) 3.0	4.5
Chlorine Residual	Less than 0.019 at all times	
pH	6.5 - 9.0 S.U.	
Fecal Coliform (#/100ml)	1,000	2,000

Estimated Cost: \$5000.00 for wastewater aspects of the project.

Special PTI Conditions:

The use of ammonia for treatment is prohibited unless a modification to the NPDES permit is approved.

Conclusion:

The detailed plans for the addition of an outfall for the sanitary wastewater treatment plant (017), the two non-discharging runoff ponds at the loadout, and one treatment pond (002) to retain and treat, if necessary, pumped mine water from the underground mining operation at American Energy Corp.'s Century Mine have been reviewed, appear to be satisfactory and are recommended for approval.



Abbot Stevenson
Environmental Engineer
Division of Surface Water

Reviewed By:



Bruce E. Goff, P.E.
Group Leader, Permit Section
Division of Surface Water

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State of Ohio Environmental Protection Agency

STREET ADDRESS:

azarus Government Center
122 S. Front Street
Columbus, OH 43215-1099

TELE: (614) 644-3020 FAX: (614) 644-2329

MAILING ADDRESS:

P.O. Box 1049
Columbus, OH 43216-1049

October 7, 2002

Re: OEPA PTI No. 06-6766
Facility Name: American Energy Corp-Century Mine

American Energy Corporation
43521 Mayhugh Hill Road
Beallsville, OH 43716

Ladies and Gentlemen:

Transmitted herewith is one copy of the Public Notice and Draft Permit to Install in the above-referenced matter.

The public has been invited to review the support documentation and submit comments regarding this draft Permit to Install. Comments on the draft action shall be responded to in writing by the Ohio Environmental Protection Agency.

The Permit to Install as drafted will be issued as a final action unless the director revises the permit after consideration of all written comments received during the 30-day period following Public Notice and Consideration of the record of a public meeting, if one is held, or unless the draft is disapproved by the Regional Administrator, U.S. Environmental Protection Agency.

You should note that a general condition of your permit states that issuance of a Permit to Install does not relieve you of the duty of complying with all applicable Federal, State, and local laws, ordinances, and regulations.

Sincerely,

Patti L. Smith, Supervisor
Permit Processing Unit
Division of Surface Water

PLS/dks

Enclosure

CERTIFIED MAIL

Bob Taft, Governor
Maureen O'Connor, Lieutenant Governor
Christopher Jones, Director



Printed on Recycled Paper

AEC 01799

Belmont County

Ohio EPA PTI No. 06-6766

Ohio Environmental Protection Agency Draft Permit to Install

PUBLIC NOTICE

Draft Permit to Install for wastewater treatment and/or disposal facilities

Ohio Environmental Protection Agency
Permits Section
122 South Front Street
P.O. Box 1049
Columbus, Ohio 43216-1049
(614) 644-2001

Public Notice No. 02-10-040

Date of Issue of Public Notice: October 14, 2002

Name and Address of Applicant; American Energy Corporation, 43521 Mayhugh Hill Road, Beallsville, OH, 43716

Name and Address of Facility Where Discharge Occurs: American Energy Corp-Century Mine, Section 3 Township Rd 88, Wayne Twp, Belmont County, OH

Receiving Water: Piney Creek

Public notice is hereby given that Ohio Environmental Protection Agency (Ohio EPA)- Division of Surface Water (DSW) has issued a draft permit-to-install (PTI) for the construction of the wastewater treatment works/disposal system for the above referenced project. Ohio EPA has made a determination that the wastewater discharge from this proposed facility would result in degradation to or lowering of the water quality of Piney Creek and subsequently Captina Creek. After considering the technical, economic, and social aspects of this project, the Director of the Ohio EPA has decided to make the preliminary determination to allow this degradation. However, the chemical-specific water quality standards developed to protect aquatic life and human health, set forth in Ohio Administrative Code (OAC) 3745-1, will not be exceeded.

In accordance with OAC 3745-1-05, Ohio EPA will provide an opportunity for public comment concerning this project. Comments received shall be considered by the Director before the permit is issued as final. Any person may submit written comments on the draft permit and administrative record and may request a public hearing. A request for public hearing shall be in writing and shall state the nature of the issues to be raised. In appropriate cases, including cases where there is significant public interest, the director may hold a public hearing on a draft permit or permits prior to final issuance of the permit or permits. Written comments and/or public hearing requests must be received by the Ohio EPA, Division of Surface Water no later than 30 days from the date of this public notice. Comments and/or public hearing requests should be delivered or mailed to both of the following locations: 1) Ohio Environmental Protection Agency, Division of Surface Water, Permits Processing Unit, 122 South Front Street, P.O. Box 1049, Columbus, Ohio 43216 and 2) Ohio Environmental Protection Agency, Southeast District Office, 2195 Front Street, Logan, Ohio 43138. Comments received after this date may not be considered by the Director before issuing the final permit.

Copies of the draft Permit to Install and technical support information may be reviewed and/or copies made at the Ohio EPA Southeast District Office, 2195 Front Street, Logan, OH, 43138, by first calling, 740-385-8501 to make an appointment.

Ohio Environmental Protection Agency

Permit to Install

DRAFT COPY
SUBJECT TO REVISION
OHIO EPA

Application No: 06-6766

Applicant Name: American Energy Corporation
Address: 43521 Mayhugh Hill Road
City: Beallsville
State: OH, 43716

Person to Contact: Ryan Desco
Telephone: 740-926-9152

Description of Proposed Source: 5 Runoff Treatment Ponds (012-016) for Century Mine, Wayne Twp, Belmont County

Issuance Date:
Effective Date:

The above named entity is hereby granted a permit to install for the above described source pursuant to Chapter 3745-31 of the Ohio Administrative Code. Issuance of this permit does not constitute expressed or implied approval or agreement that, if constructed or modified in accordance with the plans included in the application, the above described source of environmental pollutants will operate in compliance with applicable state and federal laws and regulations. Issuance of this permit does not constitute expressed or implied assurance that, if constructed or modified in accordance with those plans and specifications, the above described source of pollutants will be granted the necessary operating permits. This permit is granted subject to the following conditions attached hereto.

I have determined that a lowering of water quality in Piney Creek and subsequently Captina Creek is necessary. In accordance with OAC 3745-1-05, this decision was reached only after examining a series of technical alternatives, reviewing social and economic issues related to the degradation, and considering all public and appropriate intergovernmental comments. The lowering of water quality is necessary to accommodate important social or economic development in the area in which the water body is located.

Ohio Environmental Protection Agency

Christopher Jones
Director
P. O. Box 1049,
122 South Front Street
Columbus, OH 43216-1049

AEC 01801

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SUBJECT TO REVISION
OHIO EPA

This permit shall expire if construction has not been initiated by the applicant within eighteen months of the effective date of this permit. By accepting this permit, the applicant acknowledges that this eighteen month period shall not be considered or construed as extending or having any effect whatsoever on any compliance schedule or deadline set forth in any administrative or court order issued to or binding upon the permit applicant, and the applicant shall abide by such compliance schedules or deadlines to avoid the initiation of additional legal action by the Ohio EPA.

The director of the Ohio Environmental Protection Agency, or his authorized representatives, may enter upon the premises of the above named applicant during construction and operation at any reasonable time for the purpose of making inspections, conducting tests, examining records, or reports pertaining to the construction, modification, or installation of the above described source of environmental pollutants.

Issuance of this permit does not relieve you of the duty of complying with all applicable federal, state, and local laws, ordinances, and regulations.

Any well, well point, pit, or other device installed for the purpose of lowering the ground water level to facilitate construction of this project shall be properly abandoned in accordance with the provisions of this plan or as directed by the director or his representative.

Any person installing any well, well point, pit or other device used for the purpose of removing ground water from an aquifer shall complete and file a Well Log and Drilling Report form with the Ohio Department of Natural Resources, Division of Water, within 30 days of the well completion in accordance with the Ohio Revised code Section 1521.01 and 1521.05. In addition, any such facility that has a capacity to withdraw waters of the state in an amount greater than 100,000 gallons per day from all sources shall be registered by the owner with the chief of the Division of Water, Ohio Department of Natural Resources, within three months after the facility is completed in accordance with Section 1521.16 of the Ohio Revised Code. For copies of the necessary well log, drilling report, or registration forms, please contact:

Ohio Department of Natural Resources
Fountain Square
Columbus, OH 43224-1387
(614) 265-6717

The proposed wastewater treatment system shall be constructed in strict accordance with the plans and application approved by the director of the Ohio Environmental Protection Agency. There shall be no deviation from these plans without the prior express, written approval of the agency. Any deviations from these plans or the above conditions may lead to such sanctions and penalties as provided for under Ohio law. Approval of this plan and issuance of this permit does not constitute an assurance by the Ohio Environmental Protection Agency that the proposed facilities will operate in compliance with all Ohio laws and regulations. Additional facilities shall be installed upon orders of the Ohio Environmental Protection Agency if the proposed sources are inadequate or cannot meet applicable standards.

This permit to install applies only to the wastewater treatment works listed above. The installation of drinking water supplies, air contaminant sources, or solid waste disposal facilities will require the submittal of a separate application to the director.

No liquids, sludges, or toxic or hazardous substances other than those set forth in the approved permit shall be accepted for disposal without the prior written approval of the Ohio Environmental Protection Agency.

The Southeast District Office of the Ohio Environmental Protection Agency shall be notified in writing as to (a) the construction starting date; (b) the construction completion date; and (c) the date the wastewater disposal system was placed into operation.

DRAFT COPY
SUBJECT TO REVISION
OHIO EPA

The American Energy Corporation shall be responsible for proper operation and maintenance of the wastewater treatment system.

SPECIAL TERMS AND CONDITIONS FOR SOIL LINERS AND COVER MATERIAL

- 1) No soil material shall be placed or compacted during weather conditions which would interfere with adequate compaction or moisture content control, such as freezing temperatures or rainy conditions.
- 2) Soil material shall be compacted using standard engineering compaction methods unless otherwise specified in the plans.
- 3) Only soil materials specifically approved for use, in the detailed plans, may be used.

SPECIAL PTI CONDITIONS:

1. The use of ammonia for treatment is prohibited unless a modification to the NPDES permit is approved.
2. OEPA will re-evaluate the effectiveness of the runoff treatment system if the site becomes inactive. Revisions to the treatment system may be required at that time.
3. Within 12 months of the day that the last coal refuse is disposed on the site, Ohio Valley Coal Company will begin reclamation of the refuse disposal area.